

With the approval of the chairmen, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on January 7, 2007.

Editorial Note: This document was received at the Office of the Federal Register December 7, 2007.

Robert L. Bostiga,

RTCA Advisory Committee (Acting).

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

The Finger Lakes Railway Corporation (Waiver Petition Docket Number FRA-2001-10215)

The Finger Lakes Railway Corporation (FGLK), seeks an extension of a waiver of compliance from certain provisions of Safety Glazing Standards, 49 CFR Part 223 that requires certified glazing for four passenger coaches, Car Numbers: FGLK 7201, FGLK 7202, FGLK 7601, and FGLK 7602. In addition, FGLK petitions to add two more coaches in the waiver: FGLK 1642, and FGLK 1643.

The FGLK petition states that the cars are still operating in the same service environment with no changes to speed, or line segments and are following the conditions stipulated in the existing waiver. For the added two coaches, FGLK provided the following information in support of its petition. The cars were built in 1916, by the Harlen and Harrington Company for what used to be Norfolk & Western Railroad. The cars are all of steel construction. They were refurbished in 1989-1990, and used on the Maine Coast Railroad for excursion until 2002,

when the cars were moved to New York State for use on the Niagara and Western New York Railroad excursion train.

The cars have been stored on FGLK in Geneva, New York, since October 2004. The current windows are sealed 3/8" thick safety glass in Adlake Company Frames. There is no damage to the windows at this time. In all aspects, these two cars will be utilized in the same manner and in the same locations as the four cars currently operating under Docket Number FRA-2001-10215.

FGLK has requested updated quotations for FRA-compliant replacement window glass. These costs reflect the application of 49 CFR Part 223, glass into all passenger coaches currently operating under Docket Number FRA-2001-10215, and the two additional coaches that are being requested in this petition. FGLK stated that glass replacement continues to be an extremely high cost for an excursion operation and would jeopardize any chance of profitability for such operation for quite some time.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA-2001-10215) and may be submitted by any of the following methods:

Web site: <http://www.regulations.gov>. Follow the online instructions for submitting comments.

Fax: 202-493-2251.

Mail: Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12-140, Washington, DC 20590.

Hand Delivery: 1200 New Jersey Avenue, SE., Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are

available for examination during regular business hours (9 a.m.-5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at <http://www.regulations.gov>.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-19478).

Issued in Washington, DC on December 10, 2007.

Grady C. Cothen, Jr.

Deputy Associate Administrator for Safety Standards and Program Development.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

The Oregon Pacific Railroad (Waiver Petition Docket Number FRA-2007-28096)

The Oregon Pacific Railroad (OPR), seeks a waiver of compliance from certain provisions of Safety Glazing Standards, 49 CFR part 223 that requires certified glazing for four self-propelled switcher locomotives.

OPR operates on two disconnected rail lines in the Portland area consisting of the former East Portland Traction Company and Molalla Western Railway, which were merged in 1997, to become the OPR. Over the years, a waiver was granted in 1993, for several of the units. An upturn in business has required placing several units not in compliance into service, as follows:

OPR 100	SW-1 built 1952	600 h.p.
OPR 801	SW-8 built 1953	800 h.p.
OPR 802	SW-8 built 1954	800 h.p.
OPR 803	SW-8 built 1954	800 h.p.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA-2007-28096) and may be submitted by any of the following methods:

Web site: <http://www.regulations.gov>. Follow the online instructions for submitting comments.

Fax: 202-493-2251.

Mail: Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12-140, Washington, DC 20590.

Hand Delivery: 1200 New Jersey Avenue, SE., Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.-5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at <http://www.regulations.gov>.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-19478).

Issued in Washington, DC, on December 10, 2007.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Safety Advisory 2007-04

AGENCY: Federal Railroad Administration (FRA), DOT.

ACTION: Notice of safety advisory; potential catastrophic failure of locomotive reservoir tanks.

SUMMARY: In April 2005, FRA issued Safety Advisory 2005-02 in order to provide information to interested parties on the potential catastrophic failure of locomotive main reservoir tanks manufactured by R&R Metal Fabricators, Incorporated, and installed on General Electric Transportation System (GETS) locomotives. FRA is issuing this document, Safety Advisory 2007-04, in order to provide updated information related to this issue.

FOR FURTHER INFORMATION CONTACT: George Scerbo, Railroad Safety Specialist, Motive Power and Equipment Division (RRS-14), FRA Office of Safety Assurance and Compliance, 1120 Vermont Avenue, NW., Washington, DC 20590, telephone: (202) 493-6249 or Michael Masci, Staff Attorney, FRA Office of Chief Counsel, 1120 Vermont Avenue, NW., Washington, DC 20590, telephone: (202) 493-6037.

SUPPLEMENTARY INFORMATION: In early 2005, GETS provided FRA information on the potential catastrophic failure of locomotive main reservoir tanks, manufactured by R&R Metal Fabricators, Incorporated, and installed on GETS locomotives. At that time, GETS reported that 5,826 suspect main reservoir tanks were manufactured between 1988 and 1995. Prior to the issuance of Safety Advisory 2005-02, four main reservoir tanks had failed catastrophically (ruptured) while in service. Since the issuance of Safety Advisory 2005-02, two additional reservoir tanks have failed and several others have been removed from service for various other reasons. GETS describes the ruptures as a rapid

splitting and deformation of the reservoir tank along the longitudinal seam. Catastrophic failure of the main reservoir tank can result in serious injury or worse to anyone in the vicinity of the tank at the time of failure.

In 2005, GETS produced a list of approximately twenty-seven hundred (2,700) locomotives that have likely been equipped with the suspect reservoirs. GETS noted that additional suspect reservoirs may have been mounted onto GETS locomotives through maintenance and repair. No other locomotive manufacturer has produced any locomotives equipped with the suspect main reservoir tanks, and any attempt to do so would require major modifications to the mounting system. All suspect reservoir tanks can be identified by a name plate which shows R&R attached to the skin of the tank.

On September 12, 2007, GETS notified FRA that its earlier instructions to inspect and measure the reservoir tanks and replace only those that fail to meet the criteria proved to be only partially effective in identifying the at risk tanks. To minimize the possibility of any additional reservoir tank failures, GETS has advised all known owners and users of the affected locomotives equipped with the involved R&R Metal Fabricators, Incorporated reservoir tanks to replace them by September 30, 2008, or sooner. Any owner or user of these reservoir tanks should contact GETS for replacement of the reservoir tanks at no cost.

Recommended Action: In recognition of the need to assure safety, FRA recommends that railroads operating and owning GETS locomotives inspect the main reservoir tanks of such locomotives in service and any main reservoir tanks in inventory to determine if they were manufactured by R&R Metal Fabricators, Incorporated, between 1988 and 1995. If any such locomotive reservoir tanks are found, the owner or operator of the locomotive should contact Mr. Len Baran, GETS Product Manager, at General Electric Transportation Systems, 2901 East Lake Road, Building 14-410, Erie, Pennsylvania 16531, or by e-mail at Len.Baran@trans.ge.com, or by telephone at (814) 875-2769.

FRA may modify this Safety Advisory 2007-04, issue additional safety advisories, or take other appropriate